

**BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY
WASHINGTON BOROUGH COUNCIL MINUTES – November 17, 2008**

The Regular Meeting of the Borough Council of Washington, Warren County, New Jersey was held in the Council Chambers of Borough Hall at 8:00 P.M.

Roll Call: Van Deursen, Cioni, Higgins, Housel, Woykowski, Turner, Present
Oakley - Absent

Also Present: John Corica, Borough Manager
Judy Kopen Esq. Municipal Attorney
Kristine Blanchard, RMC Borough Clerk

Mayor Van Deursen led everyone in the flag salute.

Mayor Van Deursen read the following Statement into the Record:

“The requirements of the ‘Open Public Meetings Law, 1975, Chapter 231 have been satisfied in that adequate notice of this meeting has been published in the Star Gazette and posted on the Bulletin Board of Borough Hall stating the time, place and purpose of the meeting as required by law.

PROCLAMATION

**A PROCLAMATION OF THE BOROUGH OF WASHINGTON
EXPRESSING APPRECIATION TO JIM SHELDON FOR
HIS SERVICE TO THE BUSINESS IMPROVEMENT DISTRICT AND THE
BOROUGH OF WASHINGTON**

WHEREAS, Jim Sheldon was the First Executive Director of the Washington Business Improvement District; and

WHEREAS, Jim Sheldon has been Executive Director of the Washington Business Improvement District since January of 2004 and served as a member of the founding Steering Committee; and

WHEREAS, Jim Sheldon created the Festival in the Borough, the Washington Classic Car Show, and many other exciting annual events for the Borough; and

WHEREAS, Jim Sheldon will always be remembered by his colleagues for his dedication to Washington Borough and the Business Improvement District; and

WHEREAS, the Mayor and Council, of the Borough of Washington, desire to

express the appreciation of the entire community to Jim Sheldon for his years of service to the Borough of Washington.

NOW, THEREFORE, BE IT PROCLAIMED by the Mayor and Council of the Borough of Washington, in the County of Warren, State of New Jersey, that the heartfelt appreciation of the Mayor and Council of the Borough of Washington and its citizens are hereby expressed for the many years of public service performed by Jim Sheldon.

BE IT FURTHER PROCLAIMED that this Proclamation be duly embossed, signed by the Mayor, publicly presented to Jim Sheldon on November 17, 2008, and forever recorded in the official records of the Borough of Washington, as an everlasting tribute to Jim Sheldon by an appreciative and thankful community.

COUNCIL APPEARANCE

Pat Boyle – Planning Board Chairman

Mr. Boyle reported that 2008 was a busy year for the Planning Board. The Planning Board has decided to retain their professionals for 2009. He stated that board members Pat Post and Tina Truman updated the minor site applications this year; making them more applicant friendly. The Planning Board also reviewed the COAH Ordinance, Sign Ordinance, and met several times with the Governing Body concerning the redevelopment plan.

Mayor Van Deursen thanked Mr. Boyle for his annual report to Council.

MINUTES:

Mayor Van Deursen entertained additions or corrections to the minutes of the Regular Meeting November 5, 2008 and the Executive Session of November 5, 2008.

Hearing no comments it was moved by Turner, seconded by Higgins that the minutes of November 5, 2008 be approved.

Roll Call: Higgins, Turner, Woykowski, Cioni, Van Deursen, Housel – Yes

Ayes: 6

Nays: 0

Motion Carried

COMMUNICATIONS:

The following communications were entered into the record:

1. Washington Fire Department Re: Training

It was moved by Turner, seconded by Higgins that the communications be acknowledged, received and filed.

Ayes: 6, Nays: 0.
Motion carried.

AUDIENCE:

Michael Rusnik 283 Pocono Mountain Estates Bushkill, PA

Mr. Rusnik stated he wants to discuss with Council the Tattoo Parlor he hopes to open in the Borough. He is having issues with the current landlord and will be moving the location of the Tattoo Parlor to a new location. He stated he was informed that he may have to go for a variance if he wishes to move. He doesn't understand why he would need to apply for a variance when he has already received approval to open in the original location. Councilman Cioni stated Council reexamined the allowable businesses in the downtown area and just completed adoption of a new ordinance. Mr. Rusnik stated he has spent ten months of his life and \$20,000 trying to open a business in Washington. He explained that he has reviewed the newly adopted Borough Ordinance and in the section pertaining to nail salons and barber shops, tattoo parlors are in the same category and therefore are allowable businesses.

Mayor Van Deursen suggested Mr. Rusnik stay in contact with the Borough Manager and with the Zoning Officer to review the classification of a tattoo parlor.

Hearing no further comments from the audience a motion was made by Oakley, seconded by Cioni to close the audience portion of the meeting.

Ayes: 6, Nays: 0
Motion Carried

ORDINANCES:

ORDINANCE 11-2008 A BOND ORDINANCE PROVIDING FOR ACQUISITION OF NEW AND ADDITIONAL FIRE FIGHTING APPARATUS BY THE BOROUGH OF WASHINGTON, IN THE COUNTY OF WARREN, STATE OF NEW JERSEY, APPROPRIATING \$1,000,000 THEREFORE AND AUTHORIZING THE ISSUANCE OF \$475,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING SUCH APPROPRIATIONS (PUBLIC HEARING/ADOPTION)

Mayor Van Deursen entertained a motion to introduce **Ordinance #11-2008**.

Ordinance 11-2008 was moved by Councilman Housel, seconded by Councilman Turner.

It was further moved by Housel, seconded by Cioni that the Clerk read Ordinance #11-2008 by title only.

The Clerk read Ordinance #11-2008 by title only and stated that this ordinance had been published in the Star Gazette as required by law; a copy was posted on the bulletin board and copies available upon request from the Clerk's office.

Roll Call: Woykowski, Cioni, Higgins, Housel, Turner, Van Deursen

Ayes: 6, Nays: 0.
Motion carried.

Public Hearing:

Hearing no comments from the public Councilman Housel motioned to close the public hearing seconded by Councilman Higgins.

Ayes: 6, Nays: 0
Motion Carried

Council Discussion:

None

Mayor Van Deursen entertained a motion to adopt Ordinance 11-2008 on final adoption.

Motion made by Higgins, seconded by Housel to adopt Ordinance 11- 2008 on final reading.

Roll Call: Woykowski, Higgins, Van Deursen, Cioni, Housel, Turner

Ayes: 6, Nays: 0
Motion Carried

ORDINANCE # 11-2008

**BOND ORDINANCE PROVIDING FOR THE
ACQUISITION OF NEW AND ADDITIONAL FIRE**

FIGHTING APPARATUS BY THE BOROUGH OF WASHINGTON, IN THE COUNTY OF WARREN, NEW JERSEY, APPROPRIATING \$1,000,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$475,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING SUCH APPROPRIATION.

BE IT ORDAINED BY THE MAYOR AND COMMON COUNCIL OF THE BOROUGH OF WASHINGTON, IN THE COUNTY OF WARREN, NEW JERSEY (not less than two-thirds of all the members thereof affirmatively concurring), AS FOLLOWS:

The improvement described in Section 3 of this bond ordinance is hereby authorized as a general improvement to be made or acquired by the Borough of Washington, in the County of Warren, New Jersey. For the said improvement or purpose stated in said Section 3, there is hereby appropriated the sum of \$1,000,000, said sum being inclusive of all appropriations heretofore made therefor and including the sum of \$25,000 as the down payment for said improvement or purpose required by law and now available therefor by virtue of an emergency appropriation of the Borough heretofore made by resolution of its governing body adopted on October 21, 2008 and including also the sum of \$500,000 received or expected to be received by the Borough from the United States government, or agencies thereof, as a grant-in-aid of financing said improvement or purpose.

For the financing of said improvement or purpose and to meet the part of said \$1,000,000 appropriation not provided for by application hereunder of said down payment and grant, negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of \$475,000 pursuant to the Local Bond Law of New Jersey. In anticipation of the issuance of said bonds and to temporarily finance said improvement or purpose, negotiable notes of the Borough in a principal amount not exceeding \$475,000 are hereby authorized to be issued pursuant to and within the limitations prescribed by said Local Bond Law.

a. The improvement hereby authorized and purpose for the financing of which said obligations are to be issued is the acquisition by purchase of new and additional fire fighting apparatus for the preservation of life and property in the Borough, consisting of one (1) fire truck, including all equipment, accessories and appurtenances necessary therefor or incidental thereto, all as shown on and in accordance with the specifications therefor on file or to be filed in the office of the Borough Clerk and hereby approved.

The estimated maximum amount of bonds or notes to be issued for said purpose is \$475,000.

The estimated cost of said purpose is \$1,000,000, the excess thereof over the said estimated maximum amount of bonds or notes to be issued therefor being the amount of the said \$25,000 down payment for said purpose and the amount of the said \$500,000 grant from the United States government.

The following additional matters are hereby determined, declared, recited and stated:

The said purpose described in Section 3 of this bond ordinance is not a current expense and is a property or improvement which the Borough may lawfully acquire or make as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

The period of usefulness of said purpose within the limitations of said Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is ten (10) years.

The supplemental debt statement required by said Local Bond Law has been duly made and filed in the office of the Borough Clerk and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey, and such statement shows that the gross debt of the Borough as defined in said Local Bond Law is increased by the authorization of the bonds and notes provided for in this bond ordinance by \$475,000, and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

An aggregate amount not exceeding \$30,000 for interest on said obligations, costs of issuing said obligations and other items of expense listed in and permitted under section 40A:2-20 of said Local Bond Law may be included as part of the cost of said improvement and is included in the foregoing estimate thereof.

The funds from time to time received by the Borough on account of the grant referred to in Section 1 of this bond ordinance shall be used for financing the improvement or purpose described in Section 3 of this bond ordinance by application thereof either to direct payment of the costs of said improvement or purpose, or to payment or reduction of the authorization of the obligations of the Borough authorized by this bond ordinance. Any such funds so received may, and all such funds so received which are not required for direct payment of such costs shall, be held and applied by the Borough as funds applicable only to the payment of obligations of the Borough authorized by this bond ordinance.

All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer, provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with the notes issued pursuant to this bond ordinance, and the Chief Financial Officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. §40A:2-8. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the dates of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body of the Borough at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the principal amount, interest rate and maturities of the notes sold, the price obtained and the name of the purchaser.

The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and interest on the said obligations authorized by this bond ordinance. Said obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy ad valorem taxes upon all the taxable property within the Borough for the payment of said obligations and interest thereon without limitation of rate or amount.

The capital budget or temporary capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith and the resolutions promulgated by the Local Finance Board showing all detail of the amended capital budget or temporary capital budget and capital program as approved by the Director, Division of Local Government Services, are on file with the Borough Clerk and are available for public inspection.

This bond ordinance shall take effect twenty (20) days after the first publication thereof after final

adoption, as provided by said Local Bond Law.

Ordinance 13-2008 AN ORDINANCE AMENDING VARIOUS SECTIONS OF THE BOROUGH CODE TO CHANGE ESTABLISHED FEES (Public Hearing/Adoption)

Mayor Van Deursen entertained a motion to introduce **Ordinance #13-2008**.

Ordinance 13-2008 was moved by Councilman Turner, seconded by Councilman Higgins.

It was further moved by Turner, seconded by Higgins that the Clerk read Ordinance #13-2008 by title only.

The Clerk read Ordinance #13-2008 by title only and stated that this ordinance had been published in the Star Gazette as required by law; a copy was posted on the bulletin board and copies available upon request from the Clerk's office.

Roll Call: Woykowski, Cioni, Higgins, Housel, Turner, Van Deursen

Ayes: 6, Nays: 0.
Motion carried.

Public Hearing:

Hearing no comments from the public Councilman Housel motioned to close the public hearing seconded by Councilman Woykowski.

Ayes: 6, Nays: 0
Motion Carried

Council Discussion:

Manager Corica stated that it has been almost thirty years since the Borough fees had been changed in some instances.

Mayor Van Deursen entertained a motion to adopt Ordinance 13-2008 on final adoption.

Motion made by Turner, seconded by Housel to adopt Ordinance 13- 2008 on final reading.

Roll Call: Woykowski, Higgins, Van Deursen, Cioni, Housel, Turner

Ayes: 6, Nays: 0
Motion Carried

ORDINANCE # 13-2008

**AN ORDINANCE AMENDING VARIOUS SECTIONS OF THE
BOROUGH CODE TO CHANGE ESTABLISHED FEES**

WHEREAS, the Department Heads, the Borough Engineer and the Borough Manager have undertaken an extensive review of the fees established in the Borough Code for various activities and permits; and

WHEREAS, many of the fees set forth in the Borough Code have not changed in decades; and

WHEREAS, the Mayor and Council were presented with the results of that review, including recommendations for changes in certain fees; and

WHEREAS, the Mayor and Council have reviewed and approved the recommended changes;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Washington, in the County of Warren and State of New Jersey, that the following sections of the Code of the Borough of Washington be amended as follows:

Section 1. Chapter 21: Alarm Devices and False Alarms. Section 21-5 entitled “Fees” is amended to increase the one-time registration fee from \$25 to \$50, the dial alarm fee from \$10 per year to \$15 per year, and the fee for alarms connected to the alarm panel from \$25 per year to \$35 per year.

Section 2. Chapter 23: Amusement Devices, Coin Operated. Section 23-4 entitled “License fees” is amended to increase the license fee from \$25 per year per machine to \$35 per year per machine.

Section 3. Chapter 26: Bicycles. Section 26-3 entitled “Issuance of license and tag; fee; expiration” is amended to delete all references to a fee and no fee shall be charged.

Section 4. Chapter 39: Government Record Fees. Subsection O. of Section 39-3 entitled “Fee schedule” is amended to read as follows (new language shown as bold, deleted language shown as strikethrough):

O. Certified copies of birth, marriage, domestic partnership, **civil union** or death certificates: ~~\$58~~.

Section 5. Chapter 42: Fire Prevention Code. Section 42-9 entitled “Additional inspections and fees” is amended by adding new subsections B and C to read as follows:

B. For all fire inspections and/or re-inspections of residential rental properties for any change in tenancy or building ownership, the fee shall be \$45.

C. For a letter documenting compliance with the Fire Code, the fee shall be \$10.

Subsection D of Section 42-10 entitled “Smoke and carbon monoxide alarms” is amended to read as follows (new language shown as bold, deleted language shown as strikethrough):

D. Fees. ~~The fee of~~ The Fire Official of the Borough of Washington shall be \$35 for the first inspection or scheduled visit to the property and ~~\$25~~\$35 for each subsequent reinspection or scheduled visit to the property.

Section 6. Chapter 45: Food Handling. Section 45-6 entitled “Fees” is amended to increase the license fee for a retail food establishment with a permanent location from \$10 to \$25 and the license fee for a temporary retail food establishment from \$25 to \$50. Section 45-17 entitled “Fees” is amended to increase the permit fee from \$10 per year to \$15 per year and the license fee from \$10 per machine per year to \$15 per machine per year.

Section 7. Chapter 49: Handbills and Merchandise, Etc. Section 49-2 entitled “Permit and application” is amended to increase the permit fee from \$5 to \$25.

Section 8. Chapter 54: Licensed Occupations. Section 54-5 entitled “Fees” is amended to increase the fees as follows:

Permanent Merchant (less than 1500 square feet): annual fee increases from \$5 to \$10.

Permanent Merchant (between 1500 and 3500 square feet): annual fee increases from \$10 to \$25.

Permanent Merchant (greater than 3500 square feet): annual fee increases from \$25 to \$75.

Transient Merchant: fee increases are daily fee from \$5 to \$10, the weekly fee from \$25 to \$50, the monthly fee from \$100 to \$200 and the yearly fee from \$200 to \$400.

Hawkers & Peddlers: fee increases are daily fee from \$5 to \$20, the weekly fee from \$10 to \$60, the monthly fee from \$15 to \$120, the six-month fee from \$25 to \$200 and the yearly fee from \$50 to \$400.

Solicitor: fee increases are daily fee from \$10 to \$20, the weekly fee from \$20 to \$60, the monthly fee from \$40 to \$120, the six-month fee from \$80 to \$200 and the yearly fee from \$100 to \$400.

Place of amusement: annual fee increases from \$40 to \$400.

Traveling Shows: one-day fee increases from \$50 to \$100.

Lodging Houses: annual fee increases from \$5 to \$400.

Junk Dealer: annual fee increases from \$100 to \$400.

Section 54-21 entitled “License required; fee” is amended to increase the fee for a garage sale license from \$2 to \$5.

Section 54-33 entitled “Fees” is amended to increase the license fee for pool and billiard parlors from \$100 to \$150.

Section 9. Chapter 57: Storm Water Management. Subsection D entitled “Review and inspection fees” of Section 57-1 is amended to decrease the review fee established in subsection D.1.b. from \$500 to \$100 and add the phrase “in the amount of \$500” after the words “construction inspection escrow account” in subsection D.2.b.

Section 10. Chapter 69: Sedimentation and Soil Erosion Control. Subsections A and B of Section 69-14 entitled “Fees and costs” are amended to read as follows (new language shown as bold, deleted language shown as strikethrough):

- A. Upon the filing of the sedimentation and soil erosion control plan for a major subdivision, which shall be submitted at the same time as the preliminary plat is filed, the subdivider shall pay to the borough a fee of one hundred ~~thirty~~ **fifty** dollars (\$1500). In addition, the subdivider shall deposit with the Borough Clerk, to cover the cost of legal, engineering and inspection services, **a three hundred dollar (\$300) escrow fee plus an amount a lot inspection fee** equivalent to ~~ten~~ **one hundred** dollars (\$100.) for each and every lot shown on the plat.

- B. B. Upon the filing of the sedimentation and soil erosion control plan for a site plan, pursuant to Chapter 71, Site Plan Review and Approval, of this Code, which shall be submitted the same time the plan is filed, the applicant shall pay to the borough a fee of one hundred ~~thirty~~ **fifty** dollars (\$1500). In addition, the applicant shall deposit with the borough Clerk, to cover cost of legal, engineering and inspection services **a three hundred dollar (\$300) escrow fee.** ~~an amount equivalent to five percent (5%) of the estimated cost of the erosion control measures or three hundred dollars (\$300.), whichever is greater, except that in the case of a site of less than one (1) acre the minimum amount shall be fifty dollars (\$50.)~~ **Each applicant shall be liable for a one hundred dollar (\$100) per acre inspection fee.**

Section 11. Chapter 70: Sewers. Section 70-33 entitled “Sewer connection inspection and review fees” is hereby deleted and replaced in its entirety by the following:

§ 70-33. Sewer connection inspection and review fees.

- A. Each sewer connection application shall be accompanied by a fee of \$100.
- B. The applicant shall submit with the application an escrow deposit of \$1,000 from which the borough will deduct all reasonable and customary engineering fees, inspection costs, reinspection costs and/or other expenses incurred as a result of examining and processing a sewer connection application and inspecting connections to the system or other installations or improvements installed pursuant to this chapter.

Section 70-43 entitled “Fees” of Article VIII entitled “Storm Sewers” of Chapter 70 is amended to increase the fee established in subsection A. from \$75 to \$100 and the fee established in subsection B. from \$200 to \$275. In addition, subsection C of Section 70-43 is deleted and replaced in its entirety by the following:

- C. In addition to the connection fees set forth in subsections A and B above, the applicant shall submit to the Borough Clerk an escrow deposit of \$300 from which the borough will deduct all reasonable and customary engineering fees, inspection costs and/or other expenses incurred as a result of examining and processing the application and inspecting connections to the system.

Section 12. Chapter 73: Soil Removal. Subsection D of Section 73-4 entitled “Application Procedure is hereby revised to read as follows (new language shown as bold, deleted language shown as strikethrough):

D. Filing fee. The application shall be submitted to the Zoning Officer of the Planning Board with a fee of **\$100** ~~to the order of the Borough of Washington in an amount computed at the rate of five cents (\$0.05) per cubic yard multiplied by the number of cubic yards to be moved, as stated in the application and certified on the topographical map; provided, however, that in no event shall such fee be less than seventy five dollars ((\$75.)).~~ **In addition, applicant shall provide an escrow deposit of \$300 from which the borough will deduct costs incurred by the Borough for engineering surveys and reports, inspection fees, legal fees, and other expenses in connection with the application.**

Section 13. Chapter 75: Streets and Sidewalks. Section 75-36 entitled “Procedure for obtaining permit; surety bond; fees” is amended to read as follows: (new language shown as bold, deleted language shown as strikethrough):

§75-36 Procedure for obtaining permit; surety bond; fees.

Street opening permits shall be obtained in the following manner:

- A. Application in writing shall be made to the Borough Clerk and signed by the person, firm or corporation making the proposed street opening or excavation, setting forth the location of the proposed opening or excavation, the size thereof and the purpose therefore. The application shall then be forwarded to the Borough Engineer for his review and approval **and calculation of the appropriate performance and maintenance bond and escrow deposit.** ~~If~~ **the Borough Engineer approves the application,** he shall endorse his approval upon the face of the application and shall then return the application, **along with the calculations as to the performance and maintenance bond and the escrow deposit required,** to the Borough Clerk, who shall then issue the permit. **Applicants shall allow for a seven day review period on street opening applications.**
- B. Before the permit shall be issued by the Borough Clerk, the person, firm or corporation making the application shall have on file with the Borough Clerk a ~~surety~~ **performance and maintenance** bond issued by a surety company authorized to do business in this state, ~~in the amount of one thousand dollars (\$1,000.),~~ covering the opening or excavation set forth in the application and any and all future openings and excavations to be made in a calendar year, **as well as maintenance of the work- in the amount of (1) for a public utility applicant, the amount calculated by the Borough Engineer unless the utility posts an annual performance guarantee with the Borough of at least ten thousand dollars (\$10,000); (2) for a non-utility applicant, the amount calculated by the Borough Engineer which shall be a minimum of five hundred dollars (\$500).** Said bond shall be conditioned upon the permittee’s compliance with this ordinance and to indemnify the borough from any loss, liability or damage that may result or accrue from or because of the making, existence or manner of constructing or guarding any such opening or excavation, during the term of said bond. **The maintenance period of the bond shall be one (1) year. At the end of the maintenance period, the Borough Engineer shall perform a final inspection. The Borough Engineer’s approval shall be required for release of the bond and escrow after the final inspection.**

- C. The person, firm or corporation making and signing the application shall comply with all the provisions of this Article as hereinafter set forth.
- D. The fee for such permit shall be ~~ten~~ **one hundred** dollars (~~\$10~~**100.**) per opening. Such fee shall be due and payable at the time the application is made to the Borough Clerk. In addition to the foregoing, the applicant shall provide an escrow deposit from which the Borough will deduct ~~will be responsible for~~ reasonable engineering and inspection fees, ~~in an amount not to exceed two hundred dollars (\$200.), which will be billed by the municipality~~**The amount of the deposit shall be as calculated by the Borough Engineer with a minimum escrow deposit of five hundred dollars (\$500) for public utility applicants and a minimum of three hundred dollars (\$300) for non-utility applicants.**
- E. **No road openings shall be permitted between November 30 and April 1 unless the opening is needed to address emergency conditions.**

Section 14. Chapter 78: Swimming Pools. Subsection C of Section 78-4 entitled “Permit required; application; fee” is amended to increase the fee from twenty-five dollars (\$25.) to seventy-five dollars (\$75.)

Section 15. Chapter 80: Taxicabs. Subsection A of Section 80-9 entitled “License fees” is amended to increase the annual taxicab license fee from twenty dollars (\$20.) to one hundred dollars (\$100.) for the first cab and from ten dollars (\$10.) to fifty dollars (\$50.) for each additional cab.

Section 80-12 entitled “Insurance” is amended to increase the required insurance policy limits from not less than fifty thousand dollars (\$50,000.) property damage and one hundred thousand/three hundred thousand dollars (\$100,000./\$300,000.) personal injury and liability coverage to a minimum of five hundred thousand dollars (\$500,000.) combined single limit liability.

Section 16. Chapter 94: Zoning and Land Development. Subsection A. of Section 94-14 entitled “Fees” is amended to read as follows (new language shown as bold, deleted language shown as strikethrough):

- A. Subdivision, including clustered, single-family dwelling proposal.
 - (1) Informal plat: ~~fifty~~ **seventy-five** dollars (~~\$50~~**75.**) plus thirty dollars (\$30.) per lot up to twenty (20) lots.
 - (2) Preliminary plat: ~~\$100~~**150** plus \$15 per lot plus 5% of the estimated costs of the required improvements.
 - (3) Final plat or minor subdivision: ~~\$50~~**100** plus ~~\$10~~**15** per lot.
 - (4) **Tax map revisions: \$500 minimum fee per tax map page. If the cost is expected to be more than the minimum fee, the Borough Engineer will provide an estimate of costs when the application has been deemed complete. The applicable fees are to be paid as a condition of approval of the application.**

Subsection B.1. of Section 94-14 is amended to increase the fee from \$100 to \$150.

Subsection D. of Section 94-14 is amended to read as follows (new language shown as bold, deleted language shown as strikethrough):

D. Variances and other appeals.

- (1) Hear and decide appeals: ~~\$25~~**50**.
- (2) Conditional uses: \$150.
- (3) Interpretation of the Zoning Map: ~~\$25~~**50**.
- (4) Hardship variance: ~~\$50~~**75**.
- (5) Use variance.
 - (a) Residential: ~~\$15~~**20** per dwelling unit.
 - (b) Other uses: \$20 per acre
 - (c) Minimum: ~~\$100~~**150**; maximum: \$3,000.
 - (d) In any case where a use variance is required, the applicant shall pay the fee set forth above, and in addition to such fee, an escrow deposit equivalent to 2% of the estimated cost of the improvements, to a minimum of \$400.
- (6) Building permit in conflict with Official Map or building permit for lot not related to a street: \$50.

Subsection E. of Section 94-18 is amended to read as follows (new language shown as bold, deleted language shown as strikethrough):

E. Fees.

- (1) The fee for residential zoning permits shall be ~~fifteen~~ **twenty-five** dollars (~~\$15~~**25**).
- (2) The fee for nonresidential zoning permits shall be ~~twenty-five~~ **fifty** dollars (~~\$25~~**50**).
- (3) The fee for a new house inspection shall be \$75.00.**
- (4) An additional fee of twenty-five dollars (\$25.) shall apply to any activity requiring inspection, except when the inspection fees are provided for under §94-15v

Section 17. Chapter 94: Zoning and Land Development. A new Section 94-14.1 entitled “Miscellaneous fees” is added to read as follows:

§94-14.1. Miscellaneous fees.

- A. A request for a certified list made from the current tax duplicates of names and addresses of owners to whom an applicant is required to give notice of an application pursuant to *N.J.S.A. 40:55D-12(b)* shall be accompanied by a fee of \$10.

- B. A request for a letter from the zoning officer documenting that a Certificate of Occupancy is not required or for a letter documenting the zoning applicable to a particular property shall be accompanied by a fee of \$10.

Section 18. Chapter 1: General Provisions. A new Article II entitled “Fees” is added to Chapter 1 to read as follows:

Article II

Fees

§1-15. Fees.

Fees for licenses, permits, inspections and other regulatory activity of the Borough shall be as set forth in the chapter of the Borough Code that relates to the regulated activity.

§1-16. Fee for returned check.

Any person who uses a check to pay any fee to the Borough as required by the provisions of the Borough Code shall be assessed a returned check fee of \$25 if the check used to pay the fee is not honored by the bank or other financial institution on which the check was drawn.

§1-17. Fee police vehicle for outside duty.

Any individual or business entity requiring a police vehicle as an “Active” traffic control device shall pay a flat fee of \$20 per day or any portion thereof for use within the Borough.

Section 19. All ordinances or parts of ordinances or resolutions that are in conflict with the provisions of this Ordinance are repealed to the extent necessary.

Section 20. If any article, section, subsection, term or condition of this Ordinance is declared invalid or illegal for any reason, the balance of the Ordinance shall be deemed severable and shall remain in full force and effect.

Section 21. In accordance with Chapter 3, Article II, Section 15, Subsection E of the Code of the Borough of Washington, this Ordinance shall become effective 20 days after final passage unless the Council, by an affirmative vote of five (5) Council Members, shall adopt a resolution declaring the Ordinance to be an emergency upon which said Ordinance will take effect upon final passage.

Ordinance 14-2008 AN ORDINANCE TO AMEND THE CHAPTER 3-48 OF THE CODE OF THE BOROUGH OF WASHINGTON REGARDING THE POSITION OF TREASURER
(Public Hearing/Adoption)

Mayor Van Deursen entertained a motion to introduce **Ordinance #14-2008.**

Ordinance 14-2008 was moved by Councilwoman Woykowski, seconded by Councilman Higgins.

It was further moved by Woykowski, seconded by Higgins that the Clerk read Ordinance #14-2008 by title only.

The Clerk read Ordinance #14-2008 by title only and stated that this ordinance had been published in the Star Gazette as required by law; a copy was posted on the bulletin board and copies available upon request from the Clerk's office.

Roll Call: Woykowski, Cioni, Higgins, Housel, Turner, Van Deursen

Ayes: 6, Nays: 0.
Motion carried.

Public Hearing:

Hearing no comments from the public Councilman Housel motioned to close the public hearing seconded by Councilman Woykowski.

Ayes: 6, Nays: 0
Motion Carried

Council Discussion:

Mayor Van Deursen entertained a motion to adopt Ordinance 14-2008 on final adoption.

Motion made by Cioni, seconded by Housel to adopt Ordinance 14- 2008 on final reading.

Roll Call: Woykowski, Higgins, Van Deursen, Cioni, Housel, Turner

Ayes: 6, Nays: 0
Motion Carried

REPORTS:

It was moved by Cioni, seconded by Higgins, to receive and file the reports.

Roll Call: Higgins, Turner, Van Deursen, Cioni, Housel, and Woykowski.

Ayes: 6 Nays: 0
Motion Carried

COMMITTEE REPORTS:

Redevelopment Committee: No Report

DPW Garage: No Report

Sewer Committee: No Report

Streets Committee: No Report

Finance Committee: No Report

Shared Services Committee: No Report

Senior Services: No Report

Website Committee: - Councilman Cioni reported there may be additional grant monies available for website. He will research.

Curfew Committee: No Report

Pedophile Ordinance Committee: No Report

BID: No Report

Recreation Report – No Report

Parking Lot Committee – Councilman Cioni reported the committee reviewed the timeline and pending items for the parking lot completion. We are still waiting on the approval letters from the DEP. Councilman Cioni suggested contacting Marcia Karrow’s office to escalate the issue with the DEP. Councilman Cioni also stated the BID will not take possession until the letter from the DEP is received. The BID is also awaiting approval from the USDA for funding. Once the approval from the USDA is received, Skylands Bank will then give the BID a loan to cover the cost of the project.

Modern Valet demolition is awaiting the letter from the utilities stating that the electricity and gas has been shut off.

Concession Stand Committee – Councilman Cioni stated he has prepared two forms that would go out to potential vendors interested in the concession stand at the pool. If the vendor indicates interest there is a RFP that will be sent out as well.

VOUCHERS AND CLAIMS

Mayor Van Deursen entertained questions or additions to the vouchers and claims for payments that were not previously addressed before the meeting. Motion made by Cioni, seconded by Woykowski to pay the vouchers and claims in the amount of \$ 98,835.97.

Roll Call: Housel, Cioni, Van Deursen, Woykowski, Turner, Higgins

Ayes: 6, Nays: 0
Motion Carried

OLD BUSINESS:

Update on Police Merger

Manager Corica stated that the auditing firm confirmed significant savings to both municipalities if the police departments were to merge. There was a reported of one million in savings; 500 thousand for each municipality. Currently each department has thirteen officers. The audit report provided the cost ramifications of having a 26 man department, 25 man department and so on. Manager Corica stated that at 26 men the municipalities would break even. When the numbers were reduced to 24/22 men; there was an obvious savings. There will be discussion with the Police Chiefs concerning what is the recommended strength of the department. Twenty four men is the recommended amount of manpower; however twenty two is doable; however it would be difficult to provide the level of service that the municipalities are looking for. The consensus is to take the chief's recommendation and have a combined strength of 24 officers. It is possible that there would be voluntary retirements and incentives buyouts. These types of costs we would seek to get back through the implementation grant through DCA. There may also be funds available for one time costs such as: lockers, weapons, uniforms, repainting cars, and radios. Sick time policies need to be reviewed. Our officers have accumulated sick time that can be purchased back up to a max amount – the township does not have that policy. Right now the township has a 15 day per year sick time policy. At the end of the year the officers can bank the time or sell a portion back to township. If they bank it, there is a max of 300 existing hours to be brought over. Any extra time the Borough would buy. That cost could come out of implementation grant. There will be a public hearing on December 18 at the high school with both municipalities. Once the communities reach an agreement to move forward, then the implementation grant application will be done.

Councilman Higgins asked if we need to be ready to make a commitment on the 18th. Mayor Van Deursen stated no. This meeting is to have a healthy conversation regarding the police merger. Councilman Higgins stated he contacted a regional police chief, he would be willing to discuss police mergers with the Borough for a nominal fee as he has been involved in many. Councilman Higgins asked how long will the municipality realize a \$500,000 savings. Mayor Van Deursen suggested putting all questions to Manager Corica.

Overnight Parking Ordinances

In November of 2005 Council had extensively researched an overnight parking Ordinance to accommodate residents on South Lincoln. No fees were associated with this new ordinance. Councilman Turner stated he read through both ordinances and Ordinance 9 should not affect Ordinance 7 in that regard. Each Ordinance is independent of each other.

NEW BUSINESS

Raffle Application

The Raffle Application for St. Joseph's Church was moved on a motion made by Housel, seconded by Higgins and adopted.

Roll Call: Housel, Higgins, Woykowski, Cioni, Turner
Van Deursen – Abstain

Ayes: 5
Abstain - 1
Motion Carried

Resolution 227-2008 Veolia Water Inspections and Dye Tests

Resolution 227-2008 was moved on a motion made by Housel, seconded by Higgins and adopted.

Roll Call: Housel, Higgins, Woykowski, Cioni, Van Deursen, Turner

Ayes: 6, Nays: 0
Motion Carried

RESOLUTION # 227 -2008 **OF THE MAYOR AND COUNCIL OF THE BOROUGH OF** **WASHINGTON, WARREN COUNTY, NJ**

WHEREAS, as part of their review of the sanitary sewer rehabilitation the Borough's consulting engineer H2M Associates recommended that previous homes that were identified as having sump pumps hooked in the sanitary sewers should be inspected in order to reduce the inflow and infiltration into the sanitary sewer system; and

WHEREAS, Veolia Water the contract operator of the sewer plant has offered a proposal to conduct a physical inspection, and to conduct dye tests as needed to identify those homes which are not in compliance dated 25 September 2008 and is annexed hereto in the amount of \$13,100; and

WHEREAS, the Mayor and Council believe it is in the best interest of the Borough of Washington to reduce the inflow and infiltration in to the sewer plant, and;

WHEREAS, Andrew Holt the Borough Sewer Engineer has reviewed the proposal offered by Veolia and recommends its acceptance.

WHEREAS, the Chief Financial Officer as certified that funds are available for the

purpose per the attached.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Washington, in the County of Warren, State of New Jersey that a contract is awarded to Veolia Water to perform the inspections and dye tests as described in their proposal dated 25 September 2008 in an amount not to exceed \$13,100. The Manager is hereby authorized to execute any documents necessary to implement the program.

Resolution 228-2008 Cancel Balance of Ordinance 6-2001

Resolution 228-2008 was moved on a motion made by Housel, seconded by Higgins and adopted.

Roll Call: Housel, Higgins, Cioni, Van Deursen, Woykowski, Turner

Ayes: 6, Nays: 0

Motion Carried

RESOLUTION # 228 -2008
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF
WASHINGTON, WARREN COUNTY, NJ

WHEREAS, Ordinance # 6-2001 was adopted by the Mayor and Council on 17 July 2001 including \$100,000 dedicated for the acquisition of land identified as Block 74.01, Lot 1 situated along Railroad Avenue for "open space, recreation and park purposes"; and

WHEREAS, said property has been acquired by the Borough; and

WHEREAS, \$22,662.30 remains in the ordinance which is no longer needed for the purpose described; and;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Washington, in the County of Warren, State of New Jersey that the remaining funded balance of \$22,662.30 be cancelled and the funds returned to the Capital Fund Balance.

BE IT FURTHER RESOLVED that the Chief financial officer is hereby directed to cancel the balance and to transfer the funds.

Resolution 229-2008 Approval of Extending Electric Service to the Borough Garage

Resolution 229-2008 was moved on a motion made by Housel, seconded by Woykowski and adopted.

Roll Call: Housel, Woykowski, Cioni, Turner, Higgins, Van Deursen

Ayes: 6, Nays: 0

Motion Carried

RESOLUTION # 229 -2008
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF
WASHINGTON, WARREN COUNTY, NJ

WHEREAS, there is a need to run electricity to the new DPW Garage; and

WHEREAS, Jersey Central Power and Light (JCP&L) will extend electric service to the new garage; and

WHEREAS, JCP&L has requested a right of way easement to install poles and run wire per the attached agreement and site map.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Washington, in the County of Warren, State of New Jersey that the Mayor and Municipal Clerk are authorized to execute the Easement on behalf of the Borough.

Resolution 230 – 2008 Approval of Installment Plans – DeMonti

Resolution 230-2008 was moved by Higgins, seconded by Woykowski for discussion purposes.

Manager Corica explained to Council that during the conversations between the Tax Collector and Ms. Kopen is that if Council wishes to extend this courtesy to Mr. Demonti they will need to be prepared to extend the courtesy to all taxpayers. The current sewer charges must be kept current as well. He also stated there are a number of properties in the same situation; Council should make a determination as to what their policy will be. Council concurred that they would like to see a payment schedule for the next meeting before agreeing to an installment plan.

Councilman Higgins withdrew his motion and Resolution 230-2008 was tabled.

Resolution 232-2008 Authorize an Emergency Appropriation

Resolution 232-2008 was moved on a motion made by Housel, seconded by Turner.

Manager Corica explained this is the Resolution that will provide the necessary funding to hire Dan Mason's firm to recruit a new Borough Manager.

Roll Call: Housel, Woykowski, Van Deursen – Yes
Higgins, Cioni, Turner – No

Ayes: 3, Nays: 3
Motion Failed

Councilman Higgins stated that the Borough can do this search on their own and save the taxpayers a considerable amount of money. Councilman Cioni stated an ad can be placed on NJ.com for \$255.00, the League of Municipalities for \$90.00, and also in the ICMA.

Councilman Housel stated he believes by doing it ourselves we would be selling the Borough short. Councilwoman Woykowski stated that by using this firm he does have a pool of interested parties already available. Mayor Van Deursen stated she agrees with Councilwoman Woykowski and Councilman Housel.

Councilman Turner noted that we do have a responsibility to the taxpayer to save money when we can.

Motion made by Higgins, seconded by Cioni to have the Borough conduct its own search for a Borough Manager.

Roll Call: Higgins, Cioni, Turner, Van Deursen – Yes
Housel, Woykowski – No
Motion Carried

COUNCIL REMARKS

Councilman Higgins stated that if the Borough is done paying for the rescue squads bills; he would like to make a motion to release their funds to them. This motion was seconded by Mayor Van Deursen.

Ayes: 6, Nays: 0
Motion Carried

Councilman Higgins inquired if we are ready to go out to bid for the new fire truck. Chief Klausfelder noted the bid specs are prepared. Councilman Higgins motioned for approval to go out for bid for the new 95 foot ladder truck, seconded by Turner.

Ayes: 6, Nays: 0
Motion Carried

Councilman Cioni stated that it is an unnecessary waste of time to solicit RFP's from the professionals every year. If Council desires, we can entertain the option every year of certain professionals if necessary. He also noted that there was more damage done at the Borough Park and suggested that we look into security cameras.

He asked Council if he has their support to explore the option of a vendor running the concessions stand. Council agreed. Councilman Housel noted we may need to consider security cameras for the new DPW garage as well.

Councilwoman Woykowski inquired about scope of services from Andrew Holt regarding Belvidere Avenue phase II. Manager Corica stated a contract will need to be in place by July of 2009.

Mayor Van Deursen noted that regarding the professional RFP's it was the Governing Bodies position that auditors would be changed every five years. Council agreed to bring the auditors in to present to council at the next meeting.

Councilman Housel suggested additional fire hydrants to be placed on Belvidere Avenue during Phase II. A resolution should be prepared to do that after a quick survey of what hydrants are currently there and the cost associated with new ones.

Councilman Higgins thanked the fire department for their work in getting a \$375,000 for the purchase of the fire truck and saving the taxpayers that amount of money.

Mayor Van Deursen congratulated the fire department as well and was very impressed with the show of support for the fire department this evening.

At this time, Mayor Van Deursen entertained a motion to enter executive session to discuss potential litigation, and contracts.

Motion made by Turner, seconded by Cioni and adopted.

Roll Call: Higgins, Turner, Cioni, Woykowski, Housel, Van Deursen

Ayes: 6, Nays: 0
Motion Carried

RESOLUTION 229-2008

RESOLUTION AUTHORIZING EXECUTIVE SESSION

WHEREAS, the Open Public Meetings Act; *N.J.S.A. 10:4-6 et seq.*, declares it to be the public policy of the State to insure the right of citizens to have adequate advance notice of and the right to attend meetings of public bodies at which business affecting the public is discussed or acted upon; and

WHEREAS, the Open Public Meetings Act also recognizes exceptions to the right of the public to attend portions of such meetings; and

WHEREAS, the Mayor and Council find it necessary to conduct an executive session

closed to the public as permitted by the *N.J.S.A. 40:4-12*; and

WHEREAS, the Mayor and Council will reconvene in public session at the conclusion of the executive session;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Washington, County of Warren, State of New Jersey that they will conduct an executive session to discuss the following topic(s) as permitted by *N.J.S.A. 40:4-12*:

_____A matter which Federal Law, State Statute or Rule of Court requires be kept confidential or excluded from discussion in public (Provision relied upon:

_____);

_____A matter where the release of information would impair a right to receive funds from the federal government;

_____A matter whose disclosure would constitute an unwarranted invasion of individual privacy;

_____A collective bargaining agreement, or the terms and conditions thereof (Specify contract: _____);

_____A matter involving the purpose, lease or acquisition of real property with public funds, the setting of bank rates or investment of public funds where it could adversely affect the public interest if discussion of such matters were disclosed;

_____Tactics and techniques utilized in protecting the safety and property of the public provided that their disclosure could impair such protection;

_____Investigations of violations or possible violations of the law;

___X___ Pending or anticipated litigation or contract negotiation in which the public body is or may become a party; (The general nature of the litigation or contract negotiations is: OR the public disclosure of such information at this time would have a potentially negative impact on the municipality's position in the litigation or negotiation; therefore this information will be withheld until such time as the matter is concluded or the potential for negative impact no longer exists.) Combe Landfill

_____Matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his or her ethical duties as a lawyer; (The general nature of the matter is: _____

_____ OR _____ the public disclosure of such information at this time would have a potentially negative impact on the municipality's position with respect to the matter being discussed; therefore this information will be withheld until such time as the matter is concluded or the potential for negative impact no longer exists.);

_____Matters involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance, promotion or disciplining of any

specific prospective or current public officer or employee of the public body, where all individual employees or appointees whose rights could be adversely affected have not requested in writing that the matter(s) be discussed at a public meeting; (The employee(s) and/or general nature of discussion is:

OR _____ the public disclosure of such information at this time would violate the employee(s) privacy rights; therefore this information will be withheld until such time as the matter is concluded or the threat to privacy rights no longer exists.;

_____ Deliberation occurring after a public hearing that may result in the imposition of a specific civil penalty or loss of a license or permit;

BE IT FURTHER RESOLVED that the Mayor and Council hereby declare that their discussion of the subject(s) identified above may be made public at a time when the Borough Attorney advises them that the disclosure of the discussion will not detrimentally affect any right, interest or duty of the Borough or any other entity with respect to said discussion. That time is currently estimated to be: SIX MONTHS (estimated length of time) OR upon the occurrence of _____

_____;

BE IT FURTHER RESOLVED that the Mayor and Council, for the reasons set forth above, hereby declare that the public is excluded from the portion of the meeting during which the above discussion shall take place.

Council returned from Executive Session at 10:45 p.m.

Hearing no further business to come before Council, it was moved by Higgins, seconded by Cioni that the meeting be adjourned at 10:45 p.m.

Ayes: 6, Nays: 0.
Motion carried.

Mayor Marianne Van Deursen

Kristine Blanchard, RMC Borough Clerk